

KARL
RECEIVED

MAR 10 2005

DEPARTMENT OF
WATER RESOURCES

KATHLEEN MARION CARR
Office of the Field Solicitor
550 W. Fort Street, MSC 020
Boise, Idaho 83724
Telephone: (208) 334-1911
Facsimile: (208) 334-1918

*Attorney and Designated Representative for the
U.S. Department of the Interior, Bureau of Reclamation*

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

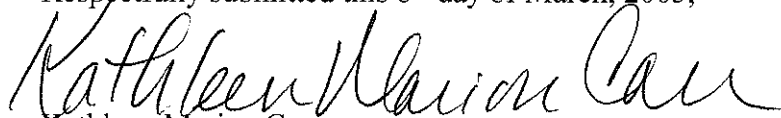
IN THE MATTER OF DISTRIBUTION OF)
WATER TO VARIOUS WATER RIGHTS)
HELD BY OR FOR THE BENEFIT OF A&B)
IRRIGATION DISTRICT, AMERICAN)
FALLS RESERVOIR DISTRICT #2,)
BURLEY IRRIGATION DISTRICT,)
MILNER IRRIGATION DISTRICT,)
MINIDOKA IRRIGATION DISTRICT,)
NORTH SIDE CANAL COMPANY, AND)
TWIN FALLS CANAL COMPANY)
_____)

**ERRATA TO
RECLAMATION'S PETITION
TO INTERVENE**

On March 7, 2005, the U. S. Department of the Interior, Bureau of Reclamation, by and through its attorney and duly authorized representative, Kathleen Marion Carr, Office of the Field Solicitor, (Reclamation), filed a Petition to Intervene in the above-captioned matter. Inadvertently, on page 3, section II, paragraph 1, three words were omitted from the Petition to Intervene. The corrected page 3, with the changes marked in bold, is provided as a substitute for the one in the filing.

I apologize for any inconvenience that this change may cause IDWR or the parties.

Respectfully submitted this 8th day of March, 2005,


Kathleen Marion Carr
Attorney/Advisor

been scheduled. Moreover, this case is still in its earliest stages because the *Order* creating this contested case proceeding was only entered on February 14, 2005.

II. RECLAMATION HAS A DIRECT AND SUBSTANTIAL INTEREST IN THE SUBJECT MATTER OF THIS CASE.

Under the standard set forth in IDAPA 37.01.01.353, intervention is proper if the petitioner can show a direct and substantial interest in “any part” of the subject matter of the **proceeding**. The following rights held by Reclamation that have been raised in this proceeding are: 01-284, 01-2064, 01-2068, 01-4052, 01-4055, 01-4056, 01-4057, 01-10042, 01-10043, 01-10044, 01-10045, and 01-10053. *Order*, p. 12, ¶¶ 51, 52. Because it is the holder of these water rights, Reclamation has a direct and substantial interest in ensuring that water rights are administered properly under the prior appropriation doctrine as established under Idaho law.

In its *Order*, IDWR finds that ground water depletions are adversely impacting storage rights held by Reclamation:

Simulations using the Department’s calibrated computer model of the ESPA show that ground water withdrawals from certain portions of the ESPA for irrigation and other consumptive purposes cause depletions to the flow of the Snake River in the form of reduced reach gains or increased reach losses in various reaches of the Snake River including the reach extending from Shelley, Idaho to Minidoka Dam, which includes the American Falls Reservoir.

* * *

On the date of this Order, the United States through the USBR is authorized to divert water from the Snake River for reservoir storage under the water rights [01-284, 01-2064, 01-2068, 01-4052, 01-4055, 01-4056, 01-4057, 01-10042, 01-10043, 01-10044, 01-10045, and 01-10053] for the benefit of the members of the Surface Water Coalition. Historic ground water depletions are causing reductions in the flows of the Snake River and its tributaries and reductions in the amount of water that could

CERTIFICATE OF SERVICE

The undersigned certifies that on the 8 day of March 2005, a true and correct copy of **ERRATA TO RECLAMATION'S PETITION TO INTERVENE** was served on the following person(s) as shown below:

Director, Karl J. Dreher
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098
By U.S. Mail and Facsimile
(208) 287-6700

W. Kent Fletcher
Fletcher Law Office
P. O. Box 248
Burley, ID 83318
By U.S. Mail and Facsimile
(208) 878-2548

Jeffrey C. Fereday
Michael C. Creamer
Givens Pursley, LLP
P. O. Box 2720
Boise, ID 83701
By U.S. Mail and Facsimile
(208) 388-1300

James Tucker
Idaho Power Company
1221 W. Idaho St.
Boise ID 83702
By U.S. Mail and Facsimile
(208) 388-6935

C. Thomas Arkoosh
Arkoosh Law Office, Chtd.
P. O. Box 32
Gooding, ID 83330-0032
By U.S. Mail and Facsimile
(208) 934-8873

Idaho Department of Water Resources
Southern Region Office
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3033
By U.S. Mail and Facsimile
(208) 736-3037

John K. Simpson
Barker Rosholt & Simpson, LLP
P. O. Box 2139
Boise, ID 83701-2139
By U.S. Mail and Facsimile
(208) 344-6034


Roger Ling
Ling Robinson & Walker
P. O. Box 396
Rupert, ID 83350
By U.S. Mail and Facsimile
(208) 436-6804

James S. Lochhead
Adam T. DeVoe
Brownstein Hyatt & Farber, P.C.
410 17th St., 22nd Floor
Denver, CO 80202
By U.S. Mail and Facsimile
(303) 223-1111

Scott L. Campbell
Moffatt Thomas Barrett Rock & Fields, Chtd
P. O. Box 829
Boise, ID 83701
By U.S. Mail and Facsimile
(208) 385-5384

Idaho Department of Water Resources
Eastern Region Office
900 N. Skyline Dr.
Idaho Falls, ID 83402-6105
By U.S. Mail and Facsimile
(208) 525-7177

U.S. Bureau of Reclamation
E. Gail McGarry, PN-3100
1150 N. Curtis Road
Boise, ID 83706-1234
By U.S. Mail and Facsimile
(208) 378-5305


KATHLEEN MARION CARR